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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/602,983 | 06/23/2000 | Edward A. Hubbard | UNTD:013 | 1376 |

7590

10/10/2003

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| EXAMINER |
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DUONG, THOMAS

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| ART UNIT | PAPER NUMBER |
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2143

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,983

Applicant(s)

HUBBARD, EDWARD A.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title is objected to because of the following informalities:
 - the title on the application does not match the title of the patent application filed.

Please make the appropriate correction.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-5, 7-9, 11-12, 15-17 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Landsman et al. (US006516338B1).

3. With regard to *claims 1, 8, 11-12, 16 and 20-21*, Landsman reference discloses,
 - *coupling the server system to a network, the network being configured to be coupled to distributed devices* (column 15, lines 48-61).

- *storing data representing a plurality of attributes for a plurality of the distributed devices* (column 21, lines 8-20).
 - *utilizing at least one of the plurality of attributes to identify a subset of the plurality of distributed devices* (column 21, lines 8-20).
4. With regard to *claims 2, 9, 15 and 17*, Landsman reference discloses,
- *further comprising distributing an advertisement to the identified subset of distributed devices* (column 21, lines 8-20).
5. With regard to *claims 4-5, 7 and 19*, Landsman reference discloses,
- *wherein the plurality of attributes comprise device capability information for the distributed devices* (sheet 7, figure 3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- Claims 3, 6, 10, 13-14, 18 and 22-23* are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US006516338B1) and further in view of Bull et al. (US006208975B1).
7. With regard to *claims 3, 6, 10, 13-14, 18 and 22-23*, Landsman reference discloses,

- *coupling the server system to a network, the network being configured to be coupled to distributed devices (column 15, lines 48-61).*
- *storing data representing a plurality of attributes for a plurality of the distributed devices (column 21, lines 8-20).*
- *utilizing at least one of the plurality of attributes to identify a subset of the plurality of distributed devices (column 21, lines 8-20).*

However, Landsman reference does not explicitly disclose,

- *further comprising distributing a project workload to the identified subset of distributed devices.*

Bull teaches,

- *further comprising distributing a project workload to the identified subset of distributed devices (columns 14-15, lines 54-2).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bull reference with Landsman reference to facilitate the user's online task by anticipating his/her needs from the collected profile information and thus enhance the user's experience at the particular website.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Lazarus et al. (US006134532A)

- Land et al. (US006505246B1)
- Davis et al. (US006138155A)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/305-3719 for regular communications and 703/305-3719 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong


Examiner

Art Unit 2143

October 1, 2003

Application/Control Number: 09/602,983
Art Unit: 2143

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DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100